The Cochin Court Fees Act Amendment Bill

Mr. C. A. Kunjunni Raja *(Advocate-General):* I move that the Cochin Court Fees Act (Amendment) Bill* be taken up and passed.

Mr. K. P. Kannan Nayar *(Secretary to Government):* I second it.

Motion put and carried.

The Cochin Cultivating Verumpattamdar's Bill—*(cont.)*

Mr. A. B. Salem *(Mattancheri):* Having entered this Council after 8 years watching from the President's Gallery the work that I left inside this House, I wish to make one single remark and then pass on to the subject. I have come into this Council more by the play of intelligence and justice than through the play of votes. I had stupendous obstacles of communalism and commercialism in votes to contend with in my attempt during the past years to enter the last two Councils. I am sorry my friend Mr. Ayyappan is not present to-day in the House. During the last Session in which I had the privilege to be in this Council I said that I would not come back to the Council through the communal door, and my hon'ble friend then said that I would never be inside this Council again. Nevertheless I am now here and that through the general ordinary door.

Now coming to this very important question of agrarian reform, I am one with the Government in thinking that the *Verumpattamdars* of the State should have some permanency of tenure given to them, but there has been discussion going on in this House more on the details of the Bill than on the principles of the Bill. Much valuable time has been taken up on the details which are unnecessary now. All details could be discussed in the Select Committee where we can have opportunities to thresh out all details. I would say that there are some serious objections raised in many quarters. I have this morning perused a petition that came from the Chittur Taluk. They are very much opposed to the Bill. According to them it is an interference with the proprietory right of possession of the landlord and it is altogether *ultra vires* on principle. They also think that the good relations that exist between the landlord and the tenant and the oral leases that exist will all be jeopardised. They think that evictions are very rare and therefore the Bill is unnecessary. They think that the uneducated and unemployed sons of their own must be given their land to cultivate. They think that

*Appendix I.

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public interest will also suffer as the tenants are too poor to cultivate their lands. They think that the consolidation of the holdings will be affected and that disintegration of cultivating land will take place by alienation and inheritance. They want also to watch the result of the Malabar Act. At least a few years must pass to see how that Act works in Malabar. They also think that the investment brings only 2 to 3 per cent interest and that it should not be interfered with at all as the Government do not want to interfere with the dividends from companies. They think that it will affect the Land Mortgage Bank which is advancing money. These are the various reasons, but nevertheless I think the time has come when the Government has to see to the life of the country. We are at a stage in which competition must give way to co-operation. The days of competition are gone. The days of individual living are gone. I think the time has come when society must itself have co-operative living open to them in a greater measure. Looking from this aspect the consolidation of holdings will become absolutely necessary in the future if you want to get the best out of the land. The payment of full compensation to landlords is an absolute necessity. We should not deprive them of any right. I also think that large capital is required and should be made available not only for agriculture but for industries that are based upon agricultural products. I think the time has come when the landlords must feel that their days as landlords are gone. These landlords are no longer required! What objection have they to convert themselves as worthy wealthy classes? With the freedom of franchise coming here complaints are heard that landlords take sides and prevent the free voting of the tenants. This also has to be looked into by the Government because the Government is in charge of all the activities in the country. If you want free expression of opinion, members that come here must be elected freely without any disturbance from the landlords. Greater facilities for scientific agriculture can only come by the supply of better seeds, implements and manure and the Government is the only co-operative body that has been making some little attempts. We have today no non-official organisation to provide better things. Of course some say the tenants will be supplied by the landlords, but I can take that only with a grain of salt. There must be a central store for the sale of products and cultivators should be enabled to hold them till the markets are better. If there is revenue to be collected and if the co-operative societies are holding lands, the revenue can be easily collected and the co-operative societies will develop through these better channels. These are the matters that are facing cultivating tenants. I am now only upon the point whether this *Verumpattamdars* Bill should be considered

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to be passed into law. I think this is a first step in the direction to give the cultivating tenants fixity of tenure. I think this is a very laudable object. Therefore I have very great pleasure to say that this Bill should go to a Select Committee.

Mr. A. Padmanabha Menon *(Tattamangalam):* Sir, I venture to intervene in this debate with all the awe this august assembly inspires in a new member.

We have before the House today a typical Bill of the times. I dare say hon'ble members are more aware of its history than I am. I vaguely gather from what I have heard that a Bill of the sort was brought into this Council by two of the major parties of political expression in this country and for some unknown reason hushed up. The present one is supposed to be a compilation of the two with all the bristles shorn off.

Hon'ble Members may not have heard about a little known part played by Mr. Facing-both-Ways in re-drafting certain articles of the Church of England. There was some quarrel between the Catholics and Puritans about the doctrine of trans-substantiation and Mr. Facing-both-Ways was asked to re-draft certain articles. In the first paragraph he affirmed the doctrine. In the second he said it was an idle superstition, "and", now said Queen Elizabeth "you are all satisfied. You must all attend the Church of England, otherwise I shall send you all to prison." The significance of the story is fairly obvious. We have had the advantage of the admirable speech of the Hon'ble the Revenue Member. As a Tenancy Bill this one, I will say, has been very well drafted. It has the enormous virtue of being entirely on the side of the tenants. But it has also another quality, the quality of being anti-propential, if I may use a word like that.

In this controversy between the landlord and the tenant what is moving the tenant is a great dislike of not knowing what exactly it is that he wants. What is moving the landlord is the great displeasure of not knowing what exactly it is that he has to give, and what is moving the Government is that instinctive feeling of all the Governments that it is perhaps just as well not to know too distinctly.

But I always like to know what I am saying and the one subject on which I do know what I mean is the opinion that has been growing in the last few years, not so much an opinion as a revolt against the obviously monstrous and anomalous propaganda against property and ownership. I would at this stage only remark that if this Government is anti-propertial there will be nobody to pretend that

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this State is propertied—the financial implications of which you, Sir, and this House ought to know more than me.

I have been wondering what has been the provocation for a Bill of this kind. The obvious answer is popular agitation. But you and I and everybody else know what popular agitation is: a little sense and a good deal of abuse of the other side.

There is another answer and it is an old old answer. Fixity of tenure means better incentive for work—means better production—means more food—means happiness for all. The old old answer is best replied by an old old limeric which I may repeat here by your leave.

"Grany sat by the grand-father clock
Lavender lace and divinity, frock
There was an young lady of Cochin, says
'I'ave heard that one and a better one too', says Grany".

There is yet another answer, a phrase in common collectivist jargon, a phrase that has been artfully avoided in the discussions here today and the phrase is that the community must own the means of production.

I ask you, Sir, to note that phrase, because it is on that phrase the whole question turns. There is a sense in which I do agree with that proposition, there is a point to which I do agree with that formula. But the community in the collectivist sense, in the sense of that state which owns and rules, the thing that issues postage-stamps and provides policemen, I do not think, this Government believes that that community is identical with the common people. I am almost sure that this Government does not believe that when we say common people it necessarily excludes the land-owners either. The land-owners are common enough. I do honestly believe that this Government has enough disordered sense to know that when you have vast systems, however, justly and reasonably controlled by officers and other things you do in fact find that the people who rule are always the few. When the collectivist say that the community must own the means of production they do not mean that the people should control the means of production. They only mean that the income should be better distributed and that indeed is a very different thing. It is not controlling the means of production. If all the citizens of a State had an equal share of the income of the State they would not be controlling the capital. They would only be enjoying the income. All this theory of distribution depends on a sort of use of the passive mood. It is easy to say that ownership must be destroyed, property must be distributed, etc. But who is, as it were, the subject of the verb. Who or what is to distribute?

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The man who owns a piece of land controls it in a direct and real sense. The fact that he owns a bigger piece of land does not necessarily mean that he is a menace to humanity. Ordinary normal people consider property in land quite normal. If you ask a rich tenant what it is that he wants he would say "I want to own my own land". If you ask a poor cultivator what it is that he wants he would say "I want my own land". Now just because a whole class of people want to own lands this Government is certainly not going to split up the whole land in squares and triangles and distribute it amongst them.

I can speak with as much vehemence as any tenant about the detestable and abominable cruelty of certain landlords, but I certainly do not see why any tenant could not be cruel as much detestably and abominably. And just because a few landlords are and have been cruel it is no use of talking of curtailing their rights or even abolishing property. You might as well talk of prohibition, just because you don't like a few people drinking a little more than you like. There was a time when landlords were lords of the lands. Today they are only lords in landing themselves in a mess. The old type is almost an extinct species. Today we have only land owners and a land owner is one who by sweat and slog and patient and persevering industry and abstinance have saved a bit and gone and invested it on land in the hope that it might come in handy in the winter of his time. This Bill takes the grub out of his mouth. Man desires certain things. He likes a little liberty, certain kinds of ownerships, certain kinds of local affections. This Bill is an attempt to cut out all that.

Our country, she has neither the virtues nor the vices of a revolution. It shall be to the credit of this Government if it can sow the seeds of one. Hon'ble Members may not have read a poem on the theology of fishes. They say that in heaven, there shall be immortal flies and immortal grub and then there shall be no more land, says fish.

Popular taste amongst fishes abhor land, popular taste amongst tenants abhor landlords. But then if the bad-lord roasts his oxen to feed his vassals that is certainly no reason why the good lord should roast his vassals to feed his wolves. I do hope this House has enough sense to know what to oppose.

*__Mr. L. M. Pylee__ *(Latin Christians-Ernakulam):* Mr. President, Sir, When I came this morning, I had no intention of participating in this debate over the great problem of *Verumpattamdars*.

*Speech not corrected by the hon'ble member.

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I thought that the problem would be thrashed out between the landlords and the tenants themselves. I am neither a landlord nor a tenant. I am a landless man. I am driven to join in this debate, because the previous speaker has asked, what has been the provocation for the Government to bring in this Bill. If I could understand him rightly, he said that it was due to popular agitation and I too attribute it to popular agitation. But he has one view of popular agitation and I have another view. He thinks that popular agitation means a little of sense and a large amount of nonsense and if that is the view taken by him the other view taken by me is the sequence of the famous saying *vox populi vox dei*, the voice of the people is the voice of God. I have not yet reached that stage of democracy as to deify the people, but still I think that there is much in popular agitation and I would ask the hon'ble member whether our democratic institutions have not been got by popular agitation and mainly by popular agitation. If we are going to dub popular agitation as a lot of nonsense and a little of sense then we should try to stop our democratic institutions and try to accept the wisdom of such few people who pretend that popular agitation is nonsense. I do concede that it is by popular agitation that the Government has brought this Bill, but it is not that kind of popular agitation as mentioned by the previous speaker. I attribute a greater degree of intelligence to our Government to give popular agitation the right meaning.

It is that kind of popular agitation that induced our Government to bring up here this Bill for the consideration of the hon'ble members of this House. Sir, that being so, popular agitation has long been in existence in the State and the tenants have been suffering under great injustice. I am not entering upon the details of the Bill but I am only supporting the principles upon which the Bill is based. That principle had its origin from the tremendous injustice the tenants have been suffering from here as well as elsewhere. The cry of the tenants moves the heart of any human being. My Hon'ble Friend, Mr. Salem has alluded to in certain directions, say, in the matter of elections, how the hands of tenants are tied down by the tyranny of landlords. I have had opportunities sometimes to preside over meetings which produced most inhuman activities of the landlords. I do not say that all landlords are of the same type. I appreciate sometimes the great services rendered by some landlords. I am not a socialist, let it be taken for granted; nor am I a capitalist in the bad sense of the term. Great services have been rendered by the landlords for the progress of the State, and the result achieved so far has been to a great extent due to the philanthropic efforts, the magnanimity and generosity of our landlords. Granting that we find on the other side the incessant cry of our

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tenants and that cry has long been a cry in the wilderness. Now at last the Government listens to that cry and takes a proper step in bringing the Tenancy Bill into legislation. It must be remembered, Sir, that there is no use of saying or bringing in old arguments. I too have thought of theories of distribution and production and such other things in economics for a long time, but now the time has come and I myself feel—may be, I am of old age, but I don't know whether I am very old—that great changes are taking place in the social order and our economics have to move along with those changes. It is a new economics that is coming into existence and our antiquated theories of distribution and production—the arguments of social equilibrium will not now stand—all these things have to be revised. I am feeling and I am revising my views also.

Sir, our landlords must become aware that our days are past changing. Throughout the length and breadth of our country, the trend of fermentation is increasing day by day. We see sometimes great changes that are coming. Yesterday, my friend Mr. Ayyappan referred to what is taking place in Poland that when the invaders offered five acres of land and a cow to those people—to the suffering folk—they all sided with Russians. I do not believe of that of the Poles. I have a better opinion of the Poles. Still there must have been some truth about that. I know that such a contingency will arise here. But still changes are taking place and if a revolutionary comes into power, not one cow but half a cow, will be welcomed by the people here. Many of our people think that that is a better thing than the present state. Our landlords must realise that their blindness prevents them from seeing the changes that are taking place. The discontent that is prevailing in the country is mainly due to the poverty which is due to the landlessness of many of the people. Yesterday when one question was put by an hon'ble member with regard to the *Poramboke* encroachment by the Depressed Classes, it formed a matter for much discussion in this House. But I ask myself, what is the main provocation for the Government in dealing with this *poromboke* encroachment in regard to people who have no lands to live upon? There is a certain resolution and when I move that resolution, if I get chance, I shall explain more. I have only to emphasise that. Days are changing. As Mr. Salem pointed out, the details of the Bill can be modified by the Select Committee and only the main principles need be considered now. Therefore, let the landlords fall into line in this matter and support the Bill instead of trying to safeguard the strongholds of their old agruments. With these few observations, Sir, I beg to support the motion.

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* മിസ്റ്റർ കെ. ആർ. വിശ്വംഭരൻ : മിസ്റ്റർ പ്രസിഡൻറ്, സർ, ഗവ ൺമെണ്ടിൽനിന്നും അവതരിപ്പിച്ചിരിക്കുന്ന കൊച്ചി കൾട്ടിവേറബിൾ വെറം പാട്ടം ബില്ലിനെ ഞാൻ അനുകൂലിക്കുന്നു. ഇവിടത്തെ പ്രസംഗങ്ങളിൽ ജന്മി മാക്കും കുടിയാന്മാക്കും തമ്മിലുള്ള ഒരു വലിയ മത്സരം നടക്കുന്നതുപോലെയും, അവക്ക് ഭൂമിയിൽ എന്തവകാശമാണുള്ളതു് എന്നതിനെ സംബന്ധിച്ചും ചർച്ച ചെയ്തുകൊണ്ടും ചില ബഹുമാന്യപ്പെട്ട മെമ്പർമാർ അവരുടെ സമയത്തെ വിനിയോഗിച്ചതായി കണ്ടു. ഈ ബിൽ വാസ്തവത്തിൽ ജന്മിയുടെ ഉടമ സ്ഥാവകാശത്തിന്മേൽ കൈവെക്കുന്നതോ, വെറുമൊരു പാട്ടക്കുടിയാനവനു് എന്തെ കിലും ഉടമസ്ഥാവകാശം ഭൂമിയിന്മേൽ നില്ക്കുന്നതായിട്ടോ എനിക്ക പ്രത്യക്ഷപ്പെട്ടുന്നില്ല. ഇതു് ഇന്നത്തെ മുതലാളിത്വത്തിൽ അടിയുറച്ചുനി ല്ക്കുന്ന ഒരു ഗവൺമെണ്ടിൻെറ ഏറ്റവും മിതമായ ചില വ്യവസ്ഥകളെ അടിസ്ഥാനപ്പെടുത്തി ഇവിടെ കൊണ്ടുവന്നിരിക്കുന്നതാണെന്നല്ലാതെ കുടി യാനവന്മാക്കു് സ്ഥിരമായ അവകാശം — ഉടമസ്ഥാവകാശം—ഭൂമിയിന്മേൽ നൽകപ്പെടുന്നുവെന്നു് നമുക്കു് വിചാരിക്കുവാൻ വഴി കാണുന്നില്ല. അതി നാൽ ജന്മികൾക്കൊ ഭൂമിയുടമസ്ഥന്മാക്കൊ ഈ ബില്ലുകൊണ്ടു് പരിഭ്രമിക്കേ ണ്ട യാതൊരു അവകാശവും ഉണ്ടെന്നു് എനിക്ക തോന്നുന്നില്ല. നമ്മുടെ രാജ്യത്തു് അധിവസിക്കുന്ന ഒരു വലിയ ജനവിഭാഗത്തിനു് അവർ കൃഷി ചെ യ്യുന്ന ഭൂമികളിൽ അവകാശമില്ലെന്നുള്ളതു് വാസ്തവത്തിൽ വ്യസനകരമായി ട്ടുള്ള ഒരു പരമാർത്ഥമാണു്. ഈ രാജ്യം നമ്മുടേതാണെന്നു് അഭിമാനിക്കുന്ന തിനും ഈ മനോഹരമായ രാജ്യത്തിൽ നമുക്കും എന്തെങ്കിലും അവകാശമുണ്ടാ യിരിക്കണമെന്നും അതിലെ ഉൽപ്പന്നങ്ങളുടെ ഒരു അവകാശം അനുഭവി ക്കുന്നതിനു തങ്ങൾക്കും അധികാരമുണ്ടായിരിക്കണമെന്നും എല്ലാ പൌരനും ഒ ന്നുപോലെ തോന്നത്തക്കസ്ഥിതിഗതികളാണു നമുക്കു വരേണ്ടിയിരിക്കുന്നതു്. ഭാരതമാതാവു്, കേരളമാതാവു്, ശ്രീമാതാവു് എന്നെല്ലാം പറഞ്ഞു് കൊ ച്ചിരാജ്യവും കേരളവും ഇൻഡ്യയും എല്ലാം നമ്മുടേതാണെന്നു പറഞ്ഞാൽ അ തിൽ നമുക്കു് അഭിമാനിക്കുവാൻ ഇടവരണമെങ്കിൽ ഈ രാജ്യത്തു നമുക്കും ചി ല അവകാശങ്ങളും ഉണ്ടായിരിക്കേണ്ടതാണെന്നുള്ള ബോധം ഇവിടത്തെ എല്ലാ പൌരന്മാക്കും വേണ്ടതാണു്. അങ്ങിനെയുള്ള ഒരു നിലവെച്ചു നോക്കുമ്പോൾ ഈ ബിൽ ഈ രാജ്യത്തെ എല്ലാ പൌരന്മാർക്കും ഭൂമിയിന്മേൽ അവകാശം നൽകുന്നുണ്ടോ എന്നുള്ള കാര്യം സംശയമാണു് .ജന്മിമാർക്ക എങ്ങിനെയാണ് ഇവിടെ ഭൂമിയിന്മേൽ അവകാശമുണ്ടായിട്ടുള്ളതെന്നും, അവരുടെ അവകാശം യഥാർത്ഥമാണൊ എന്നുമുള്ളതു് ദിവാൻ പേഷ്കാർ അവർകൾ, അദ്ദേഹത്തി ൻെറ ചരിത്രജ്ഞാനം എത്രത്തോളമുണ്ടെങ്കിലും ഇന്നലെ ഇവിടെ വ്യക്തീകരി ച്ചിട്ടില്ല. പരശുരാമൻ ഭൂമി ദാനംചെയ്തു എന്നുപറഞ്ഞുകൊണ്ടാണൊ ഇതേ വരെ ചിലർ ഭൂമിയുടെ ഉടമസ്ഥാവകാശം വെച്ചിരിക്കുന്നതു്? അങ്ങിനെ യാണെങ്കിൽ അതു് ഇനി നടക്കുന്നതല്ല. ഈ രാജ്യത്തെ മനോഹരമാക്കിത്തീ ർത്ത വെറും കൂലിക്കാരനും കർഷകനും ആണു് രാജ്യത്തിൻെറ ഉടമസ്ഥാവകാ ശികൾ എന്നുള്ള പരമമായ തത്വമാണു് നമ്മുടെ രാജ്യത്തു പുലരുവാനിരിക്ക ുന്നതെന്നു ഗവൺമെണ്ടും ജന്മിമാരും മനസ്സിലാക്കണം. ഇവിടത്തെ മുതലാളി മാരും ജന്മികളും സെഹാർട്ടത്തോടുകൂടി കഴിയുന്നുണ്ടെന്നും, ഈ ബിൽ രാജ്യ ത്തിനു ഹാനികരമാണെന്നും സഹ്യാദ്രിക്കു് അപ്പുറത്തുള്ള ചിറ്റൂർ താലൂക്കിൽ പ്രചരണം നടത്തിക്കാണുന്നുണ്ടു്. ഞങ്ങൾ ചിറ്റൂർ സന്ദർശിച്ചപ്പോഴും

* Speech not corrected by the hon'ble member.

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തേൻപാലും ഒഴുകുന്ന ഈ രാജ്യത്തു് അവിടത്തെ ജനങ്ങൾ ദാരിദ്ര്യം കൊണ്ടു് ഉണ്ണുവാനും ഉടുക്കുവാനുമില്ലാതെ കഷ്ടപ്പെടുന്നതായി കാണുവാൻ സാധിച്ചിട്ടുണ്ടു്. ആ മഹാരഥന്മാരുടെ രാജ്യത്തുപോലും ഉത്സാഹശീലന്മാരായി ജീവിക്കുന്ന ആളുകൾ കഷ്ടപ്പെടുന്നുണ്ടെന്നുള്ളതു് ഈ തത്വശാലികൾക്കു മനസ്സിലാക്കുവാൻ സാധിക്കാത്തതു് വാസ്തവത്തിൽ ഈ രാജ്യതിന്റെ നിർഭാഗ്യമെന്നേപറയുവാനുള്ളൂ. അവർ പറയുന്നതു്, അവരുടെ പാട്ടക്കാരായ ആളുകളിൽ നിന്നു പാട്ടച്ചീട്ടു എഴുതി വാങ്ങിക്കുകയൊ, രസീതു കൊടുക്കുകപോലും ചെയ്യുകയൊ ചെയ്യുന്നില്ലെന്നാണു്. ഇങ്ങിനെ യാതൊരു വ്യവസ്ഥയുമില്ലാത്ത അവിടത്തെ ജനങ്ങളെ കഷ്ടപ്പെടുത്തുന്ന ഭയങ്കരസ്ഥിതികളെ മാറ്റുന്നതിനുകൂടി ചിറ്റൂർ മെമ്മോറാണ്ടം നമ്മുടെ ഈ ബില്ലിനു സഹായമായി തീർന്നിട്ടുണ്ടെന്നാണു് എനിക്കു പറയുവാനുള്ളതു്.

എനിക്കു് ഒരു സംശതി ഈ അവസരത്തിൽ ഗവമ്മെണ്ടിനെ ഉൽബോധിപ്പിക്കുവാനുള്ളതു്, കർഷകസഹായ ബില്ലിനെപ്പോലെയുള്ള ഒരു അനാവശ്യം ഞങ്ങൾക്കുണ്ടാകാതിരിക്കണമെന്നുള്ളതാണു്. കഴിഞ്ഞ ബഡ്ജറ്റ് സമ്മേളനത്തിൽ അവതരിപ്പിച്ച കർഷകസഹായ ബില്ലു് പീരങ്കിയുടെ മുമ്പിൽ വെക്കുന്നതുപോലെയാണു് ഇവിടെ അവതരിപ്പിച്ചു പാസ്സാക്കിട്ടുള്ളതു്. ഇതു നിങ്ങൾ സ്വീകരിച്ചുകൊള്ളുക. അല്ലെങ്കിൽ യാതൊരു ബില്ലും ഇവിടെ പാസ്സാക്കുവാൻ സാധിക്കയില്ല എന്നു പ്രത്യക്ഷമായിട്ടല്ലെങ്കിലും പരോക്ഷമായനിലയിൽ ഈ നിയമസഭയെക്കൊണ്ടു് ആ തിക്തകം കഷായം കുടിപ്പിച്ചിട്ടുള്ളതാണു്. അങ്ങിനെയുള്ള ഒരു മനഃസ്ഥിതി വെച്ചുകൊണ്ടു് ഈ ബിൽ ഗവമ്മെണ്ടു് അനുകൂലിക്കരുതെന്നു ഞങ്ങൾ ഗവമ്മെണ്ടിനോടു് അഭ്യർത്ഥിച്ചുകൊള്ളുന്നു. സിലക്ടു് കമ്മറ്റിക്കു തോന്നുന്ന എല്ലാ ഭേദഗതികളും വരുത്തി ഈ നിയമസഭയുടെ പരിപൂർണ്ണമായ അഭിപ്രായത്തോടു കൂടിയുള്ള ഒരു ബിൽ മാത്രമേ ഇവിടെ പാസാകയുള്ളുവെന്നും അങ്ങിനെയുള്ള ബിൽ മാത്രമേ ഗവമ്മെണ്ടു് അംഗീകരിക്കുവാൻ പാടുള്ളുവെന്നുമാണു ഞങ്ങൾക്കു ഗവമ്മെണ്ടിനോടു പറയുവാനുള്ളതു്.

ബില്ലിലെ പ്രത്യേകങ്ങളായ വകുപ്പുകളെ സംബന്ധിച്ചു ഇന്നലെ പ്രസംഗിച്ച എന്റെ മാന്യസ്നേഹിതന്മാർ വിശദമായി നിരൂപണം ചെയ്തുകയുണ്ടായി. എങ്കിലും മറ്റൊരു പാട്ടത്തെ സംബന്ധിച്ചു് ഇതിൽ പറഞ്ഞിട്ടുള്ള വ്യവസ്ഥകൾ വാസ്തവത്തിൽ കുടിയാനവന്മാർക്കു് ഏറ്റവും ദ്രോഹകരമാണു്. സിലക്ടു് കമ്മിറ്റിയുടെ ആലോചന ഈ പ്രത്യേക സംശതിയിൽ പതിയുമെന്നാണു് എന്റെ പരിപൂർണ്ണമായ വിശ്വാസം. എന്നതന്നെയല്ല, കൃഷിപ്പിഴക്കു എന്തെങ്കിലും ഇളവുചെയ്യുന്ന കാര്യത്തിൽ ഇതുവരെ ജന്മികൾ കുടിയാന്മാർക്കു് അനുകൂലമായ ഒരു മനസ്ഥിതി കൈക്കൊണ്ടിട്ടുള്ളതായി കാണുവാൻസാധിച്ചിട്ടില്ല. ജന്മികൾ കുടിയാനവന്മാരോടു ഏറ്റവും സൌഹാർദ്ദമായിട്ടാണുപെരുമാറുന്നതെന്നുള്ളതു് ഒരു വാസ്തവമാണെന്നു് അനുഭവത്തിൽ എനിക്കു മനസിലാക്കുവാൻ സാധിച്ചിട്ടില്ല. കൃഷിപ്പിഴകൊണ്ടും മറ്റുള്ള അസൌകര്യങ്ങൾകൊണ്ടും കുടിയാനവനു് പാട്ടബാക്കിയോ മിച്ചവാരബാക്കിയോ വരുകയാണെങ്കിൽ അയാളോടു് ആനുകൂല്യം കാണിക്കുന്നവരായി ഒന്നോ രണ്ടോ ജന്മിമാരെ മാത്രമേ നമ്മുടെ രാജ്യത്തു കാണുവാൻ സാധിക്കയുള്ളൂ. കൃഷിപ്പിഴകൊണ്ടു് പാട്ടംകൊടുക്കുവാൻ സാധിക്കാതെ വരുമ്പോൾ കുടിയാനവനെ രക്ഷിക്കേണ്ട വ്യവസ്ഥകളും കൂടി ഈ ബില്ലിൽ അടങ്ങിയിരിക്കേണ്ടതാണു്. ഇന്നു കുടിയാൻനിയമമനുസരിച്ചു് ജന്മികൾകൃഷി ചെയ്യുള്ള

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ഭൂമികളുടെ പട്ടയംകൂടി കൂടിയാനവന്നു് കൊടുത്തുവരുന്നുണ്ടു്. വെറുമാട്ടക്കൂടിയാന്മാർക്കു് അവർ കൃഷിചെയ്യുന്ന നിലങ്ങൾക്കു പട്ടയം കൊടുക്കുവാനുള്ള വ്യവസ്ഥയും ഈ ബില്ലിൽ ഉൾക്കൊള്ളിക്കേണ്ടതു് അത്യാവശ്യമാണു്.

ഇങ്ങിനെയുള്ള ചില ഭേദഗതികൾ ഇവിടെ നിർദ്ദേശിച്ചുകൊണ്ടു്, ഈ രാജ്യത്തിലെ ജന്മികുടിയാൻ ബന്ധത്തെ നിയന്ത്രിക്കേണ്ടതിന്റെ പരമമായ ആവശ്യത്തെ ഗവൺമെണ്ടിനേയും ഈ നിയമസഭയേയും ധരിപ്പിച്ചുകൊണ്ടും, ഇതിനെതിരായി വരുന്ന പ്രചരണം രാജ്യത്തിന്റെ ക്ഷേമത്തെ ഉദ്ദേശിക്കുന്ന ഭാഗങ്ങളിൽനിന്നല്ല; വാസ്തവത്തിൽ രാജ്യത്തിന്റെ അധഃപതനത്തെ ഉദ്ദേശിച്ചുകൊണ്ടു പ്രവൃത്തിക്കുന്ന ഭാഗങ്ങളിൽനിന്നാണു് ഉണ്ടാകുന്നതെന്നും ഗവൺമെണ്ടിനേയും നിയമസഭയേയും ഒന്നുകൂടി ധരിപ്പിച്ചു കൊണ്ടും ഞാൻ എന്റെ പ്രസംഗത്തെ ഉപസംഹരിച്ചുകൊള്ളുന്നു.

Mr. Puthur Achyuta Menon *(Kattur):* Sir, I have very little to add to the debate regarding the *Verumpattamdar's* Bill introduced by the Hon'ble the Diwan Peishkar in this House. I remember it was in the last Session of the Council that another Bill pertaining to the interests of the agriculturists was passed. At that time, we could support the Government, so that a useful compromise may be effected and the legislation may be passed, because at that time, we felt that even though no good is given to the agriculturists; no harm has been done to them. It was on that understanding that we supported that measure at that time. I have to give a word of warning to the Select Committee that will be considering this Bill. If this Bill is not considerably modified, we will not be in a position to support the Bill, because this time we feel that if this Bill is pushed forth into law, a great harm will be done to the poor agriculturists of the State.

Then, coming to the Bill proper, I find from the Statement of Objects and Reasons that this Bill is more or less drafted on the aim of the Bill now in force in British Malabar. But, unfortunately, when I compared our Bill with the British Bill, I could note that all the sections dealing with the bad aspects are truly copied in our Bill, cleverly omitting all the provisions dealing with the welfare of the agriculturists. Some of these have been already pointed out by my predecessors. I will point out a few others which have been omitted by them. Sir, when we come to the question regarding fair rent, we find *Puravaka* dues also included in the present Bill. I do not know how the Government got the idea when it copied the provisions from the British Bill. That is clearly absent in all the sections dealing with fair rent in the Bill now in force in the British Malabar. The *puravaka* dues in our State comes to nearly 20 to 30 per cent, and if this is added to the fair rent, I ask the Government, what is the benefit they propose to give to the poor agriculturists of this State. So I humbly take leave of the House to give the direction to the Select Committee that when

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it considers the provisions dealing with fair rent, either the provisos relating to *puravaka* should be taken away or a higher percentage must be fixed for the tenant.

Coming to sections 33 and 34 of the British Act, we find that these sections are intentionally omitted in the present Bill. I do not know what is the justification for the Government in omitting them in our Bill.

Coming to section 47, it deals with the middleman tenant who proposes to purchase his house site if the *jenmi* wants to evict him intentionally. What is the position of the Government regarding this aspect of the question? Another suggestion I wish to make is this. The British Bill was passed in 1930, when the conditions were different in the locality from what they exist now. Now the people have begun to see that it is an unsatisfactory piece of legislation. This is the reason for the appointment of the *Kuttikrishna Menon Committee* now touring in Malabar, taking evidence and making a new Bill. What is the ground for our Government to copy an imperfect Bill of this kind?

I want to make one more suggestion before I conclude. In the last Session of the Council an agitation was made on the floor of the House that some remission must be made in *pattam* in the case of cocoanut garden. If we are to be guided by the figures given by the League of Nations, there is nearly a reduction of 67½ per cent in the price of *copra*. Based on that calculation, I think a substantial reduction should be made in the case of *pattam* to be paid to the *jenmis*. We find this Bill gives to the *jenmis* every right to enhance the *pattam*. From this Bill we find there is the right given to the *jenmi* to enhance the *pattam* without giving reciprocal right to the tenant. It is high time for the Government to consider this question also, and to reduce the *pattam* wherever necessary. The existing rate of *pattam* was fixed at a time when the price of commodities was far in excess of the present rate. Instead of giving a reduction in *pattam*, the *jenmi* is now given power to enhance the previous *pattam*. What is the justification of the Government to offer that last year's *pattam* should be paid as it was fixed originally when the price of cocoanut and *copra* has been reduced by 67½ per cent, as given by the figures of the League of Nations? We will not be a party to take the Bill as we took the Agriculturists Relief Bill, even though no good is achieved That Bill has done more harm to the agriculturists than good. This is the warning I give to the Select Committee which they may bear in mind when they consider the present Bill.

Mr. K. Ashtamoorthi Nampooripad *(Land-holders):* Mr. President, Sir, It is with much regret that I rise to oppose

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this Bill. I hope the House would not think that I am opposing any legitimate interest of the tenants. But at the same time, Sir, we should not be carried away simply by sentiments alone. The basic principle underlying Governmental action, as the Hon'ble Member for Revenue observed on another occasion, in the field of legislative ethics, especially that relating to property is that such changes should not be attempted unless a clear case is made out for such a change. I do not think that *Verumpattam* tenants of the State are subjected to vexatious restrictions and impositions by the *jenmis* such as rack-renting, arbitrary evictions and social tyranny. I can support this motion only if the Government makes out a clear case that the time has come for interference with the rights of the *jenmis*.

The Statement of Objects and Reasons or the opening speech of the Hon'ble Revenue Member does not help one very much in finding out the aim of the Government in bringing in such a piece of legislation at this stage. The only fact which induced the Government seems to be that the Malabar Tenancy Act gives permanency to the cultivating *Verumpattamdar* in Malabar. If that is the only fact, in my humble opinion, there is no necessity to introduce such a piece of legislation into our State.

In this connection. I should like to bring to the notice of this House that such a Bill was brought in this Council in 1113 by the then Member for Vadakkancheri. The Bill was circulated for eliciting public opinion. Many persons sent in their opinions and among those who sent in their opinions not a single person was in favour of the Bill. Except in some minor details this Bill also follows the one brought forward by the then Member for Vadakkancheri. The Government also opposed that Bill on the ground that a clear case has not been made out for interfering with the rights of the landlords. I do not want to tire out the hon'ble members by reading out the arguments of the Hon'ble Member for Revenue and the Government Advocate and the Law Officer when they opposed the Bill at that time. In my humble view, Sir, the tenants' position has not been worsened in the interval.

Sir, I think it would not be out of place to quote a small passage from a statement made by the Diwan President, on that occassion. With your permission, Sir, I will read it.

"I would just like to say one more word in the course of the discussion. Government were prepared to allow this Bill but they did not express their opinions. After perusing the opinions received, Government has come to the conclusion that they will oppose the measure and there is very good reason for it. Hon'ble Members ought to remember that those who undertake social and agrarian

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legislation are generally actuated by two different kinds of motives. There is one class of people who are reformers who want to bring about certain tenancy legislation on a nationalistic basis apart from any relation to the actual conditions existing in the country, Now, we have no quarrel with such people. We have to see whether the evil exists or not. Those people are actuated by theories and they want to introduce these theories. Government are not prepared to take that view. The view that the Government will take is this. In the case of social and agrarian legislation, if the Bill is intended to put a stop to an evil, the existence of the evil must be proved. The burden of proving that the evil which is sought to be eradicated exists lies very heavily upon the authors of the Bill and those who support it. There is no use of arguing simply theoretically that the position of the tenants must be safeguarded and they should be protected from all sorts of possibility. If the supporters of the Bill will make out a case that this evil really exists in this State, that certainly calls for such a measure. So far as Government are concerned, at present the evil does not exist and therefore it is that they have come to the conclusion to oppose it. I do hope that Hon'ble Members who speak in support of the Bill will bear this in mind."

I have nothing more to add. I oppose the motion.

The House rose for lunch at 1 p.m. and re-assembled at 2-30 p.m. with the Hon'ble Deputy President in the Chair

Mr. K. Kochukunhan Kaimal *(Vadakkancheri):* Sir, I am in full agreement with the present measure of legislation which has now been taken up by the Government, as their earnest attempt to give a better status and a better sense of security to the tenants. No doubt, our Government has begun to move in this matter from 1090 and ever since we find that the Government have not spared any pains to improve the conditions and status of the tenants. The present measure is only a culmination of the course of legislation which has been taken by the Government for the amelioration and improvement of the economic condition of the tenants. Prior to 1090, probably there might have been some opposition from land owners and *jenmis* when the first Tenancy Act was attempted to be introduced in the Council. That we can understand from the landlords who are enjoying full rights. Probably there must have been some justification for them when they found that their full rights were attempted to be taken away to some extent by Government by enacting a measure which wanted to give permanency of *Kanam* holdings. Since 1090, I am sure the attitude of the land owners has considerably changed, and I think that a better sense of harmony and conciliation has been prevailing among the land owners and the tenants in the various parts I have come across. There may be, no

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doubt, certain rare cases where, as the Diwan Peishkar himself referred to, instances of capricious and arbitrary evictions and other acts of cruelty shown to the tenants. But I think that such cases are very rare, so much so, speaking generally and broadly for all parts of the State, I think there has been a better sense of harmony and a peacefull contract existing between the landlord and the tenant. The present attempt is only to give a recognition to the standard of relationship that has evolved itself between the landlords and the tenants. As the object of the present Act itself shows, it is only to give better status and protection to the tenants. So far as the principle of legislation is concerned, though there has not been any case made out by the mover himself, I think there is nothing for the land owners to lose by that. At least their position does not become worsened on account of the present legislation from what is now being enjoyed by them. None of the members has made out a case except in the general sense that the tenants' condition must be improved and so on. There might be strong cases where some tenants had been arbitrarily and harshly treated by the *jenmis*. When the mover referred to the history and also the ideal that has been aimed at by Logan some 50 years ago, he himself did not say that the time has come to such a stage that, but for the intervention of the Government, the condition of the tenants will not be saved. Now, since the society is progressing and a sort of co-operation and harmony should exist between the people in any locality, I am sure that this legislation will add to that conciliatory spirit which prevails between the landlords and the tenants. So that there cannot be any objection so far as the principle of the Bill is concerned. There are intermediaries and other persons, apart from the actual cultivator and all these owners are in the position of *jenmis* or *kanamdars* and are also owners of land, so far as the actual cultivator is concerned. So there will not be many who may be opposed to the principle underlying this legislation, because as a matter of fact, many of these land owners have only leased out these lands to tenants and they are taking only what has been agreed to between the parties. So it is seldom that the land owners require their lands for their own cultivation. If any necessity arises, it is only fair that the lands should be resumed from the tenants for their own purposes. I do not want to say anything more regarding the principle of the Bill. I do not want to dilate upon the various provisions or the improvements that have to be made in the Select Committee. I have been hearing from many of the previous speakers that some threat or warning was given to the House that they will not allow themselves to be befooled as they were during the time when the Agricultural Relief Bill was passed. That was a sort of compromise agreed to between the

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parties and the Government. They now warn the Government that unless and until the amendments they propose to make and which are calculated to be only one-sided, are accepted by the Government, they will certainly non-co-operate with the Government. This threat has been given by various members. I request that the members may show a more conciliatory attitude so far as this measure is concerned so that the tenants who are innocent on this matter may get better security and enjoy real benefit. Even without this legislation, in various places the tenants enjoy permanency right to a very great extent, except in very rare cases. I do not know whether there has been any violation of such cases. Mr. Viswambharan has been speaking of his experience in the Chittur Taluk. He was saying that people were being troubled and suppressed by the rich land owners of those places. I can only say that this is a travesty of facts, because I presume to know more of the conditions of Chittur Taluk, than Mr. Viswambharan whose experience is only in connection with the election or such propaganda meetings. It is probable that there may be cases of this kind and I do not say that it is absolutely false, but in the generality of cases, such a statement will not hold water and I do not approve of such generalisations, unless he feels sure that there are a majority of cases of that sort. Then it is certainly just that he should interfere and wax his eloquence in such matters. Except in the case of a few, there is not so much of injustice done and therefore it is not fair to emphasise on such matters. Reference was made to the memorandum submitted by the people of the Chittur Taluk giving in detail the history of the relationship that exists between the *jenmis* and the tenants. I know there are cases where the tenants have been enjoying lands for centuries. Most of the tenants there are getting better profit than what is intended by this legislation and they feel comfortable. So far as the big estates are concerned, there is only an oral arrangement with the tenant and no receipt is given for that. I am myself a *jenmi* and a *kanamdar* and am not in the habit of giving any receipt for any *verumpattam* tenant. Without ascertaining the truth that really exists, you presume to know more and ascert facts which are more often found to be not correct. In several places in the Talappalli Taluk, I know that lands were let in very early days and there has been many cases of arrears of *pattam*. In the case of Tattamangalam, Chittur and Trichur, the cases of eviction are also very few. I have got some experience in these matters. Even though there is no perfect justification for a measure like this, I do not think any man will grudge to give a better status to these people.

I find that all persons irrespective of the extent of land owned by them are deprived of the benefit of cultivation except on the

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ground alleged there. I wish a minimum should be fixed whereby a certain extent of land should be always exempted from the purview of this legislation. Suppose, for example, take the case of a Government servant who may be elsewhere. He will not be in a position to cultivate his own lands and he may hold only ten or fifteen *parahs* of land. He might have given that land to a person who might be richer than himself and when he comes back, he may want it for his own purposes. In such cases, I think, it would be better to give exemption. They should not be put to the necessity of suing for eviction under this Bill. A *jenmi* owning about thousand *paras* of land should not be treated in the same position as one who owns ten *parahs* of land. Now you say that all tenants should be given permanent occupancy rights. But I say that in the case of persons who own small bits of land, they should be exempted from the purview of this section.

Mr. T. A. Ramachandra Ayyar *(Nellayi):* How can he get possession?

Mr. K. Kochukunhan Kaimal *(Vadakkancheri):* Suppose the tenant is prepared to surrender. When this regulation comes, he will refuse to surrender. Anyhow, he has to prove that he wants the land for cultivation. There is at least that disadvantage. In the one case, there is no necessity for the tenant to resist surrender, but in the other case, unless the land owner is in possession he has to show that he wants it *bona fide* for his own purposes. That is the difficulty. It is only fair that so far as persons who own small extent of lands are exempted from the purview of this legislation. So far as fair rent is concerned, I must say that the rate now fixed has been a general one. A flat rate has been fixed in the case of *nilams* and *parambas*. That will not be a correct standard measure, because it varies with different places and with different types of lands. Our friend Mr. K. S. Panikkar very correctly illustrated in the case of *kole* lands. Those of us who have experience of *kole* lands can know that the cost of cultivation for one *parah* of land comes to Rs. 2 or Rs. 3, besides cultivation, seed expenses and other charges. In the case of other lands, like *Kuttadan*—all may not be conversant with that—the expenses are much less. You have simply to throw some seeds, and sometimes a high rate of yield is realised. In such cases a smaller rate is only necessary. In the case of *paramba* also, a difference has to be made. There are what are called *kadus* in Chittur Taluk. It is mainly used for the cultivation of ground nuts. It is a very profitable concern and the cost of cultivation would come to Rs. 2 per acre. The yield is also fairly good. These inequalities

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have to be adjusted by facts and figures collected from the various localities with reference to the various sorts of cultivation.

So far as security is concerned, I find a lot of opposition. When the *jenmi* is prepared even to forego his substantial right, is it not proper that the tenant also should reciprocate, so that the trouble may be minimised by agreeing to give at least one year's *pattam* to the *jenmi*. I do not think it will be hard. When once the law is passed and if he is given occupancy rights without sufficient safeguards, it is certainly giving a dangerous handle to the tenant. The payment of security or *mupattam* must certainly be enforced in these stages. I do not think many tenants will even grudge that. With regard to the procedure, I have to submit one word. When cases arise, so far as fair rent is concerned, I think there is one unfairness in some of the provisions. It is always better to show reciprocity. Where there is a case of enhancement, it also follows that there should be cases for reduction. Such cases should be brought under legislation, and *kanam* tenants will find that provisions have been made both for enhancement and reduction. Similar reduction is necessary in the case of this Bill also. With regard to the procedure, the application for enhancement or reduction may be pouring in large numbers in the civil courts and the courts will be flooded with such applications. Naturally the enquiries and disposal of these petitions will ordinarily take one or two years. Some provision should be made for the payment of the admitted *pattam* by the tenant during the intervening period. Otherwise, in the interval, most of the tenants will dupe the *jenmi* and deprive him of the *pattam*. There is no provision regarding the payment of *pattam* during the interim period. Arrangements may be made for incorporating such a provision.

I do not want to make further suggestions on this subject. I am only giving certain general improvements that have to be made in the various sections of the Bill. I am sure that in spite of these threats and warnings, better days will come when the whole House will join hand with the Government and accept the legislation which will eventually be beneficial to the tenants and the *jenmis* alike.

Mr. V. K. Bhaskara Menon *(Cranganur):* Sir, I would like to make a few remarks on this Bill. Now it has to be decided as to whether this Bill is going to be referred to a Select Committee for making proper modifications. The necessary pre-requisite for such a step will be, in my opinion, to clarify the position of the Government as to what exactly they mean in the matter of the vital principles underlying the Bill. According to me there are two

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principles. One is the permanency of tenure and the other is an equal amount of permanency for eviction of the tenant who is unable to pay. The Hon'ble Member for Land Revenue in his characteristic plausibility has been able to stress the advantages to the tenant in a remarkable fashion.

Mr. K. Achyuta Menon *(Diwan Peishkar):* Yesterday, I acknowledged the compliment. Today I won't.

Mr. V. K. Bhaskara Menon *(Cranganur):* I don't want your acknowledgment.

Mr. K. Achyuta Menon *(Diwan Peishkar)*: Anyway, I do not acknowledge.

Mr. V. K. Bhaskara Menon *(Cranganur):* Now, my position is this. In the matter of the Bill introduced for the amelioration of the condition of the agriculturists and passed by this House, it was universally accepted both by the Government as well as the non-officials that there was a necessity to reduce the liability of the tenant inasmuch as the price of commodities has gone down considerably. It is a matter of great surprise to me to find now that it is equally well realised that there is no necessity whatsoever to reduce the rent. According to me, the most important section in this Act, apart from the one relating to permanency, is section 11 (2), *viz.*, "Nothing in sub-section (1) shall authorise the court to fix in respect of a holding outstanding with a tenant on 1st Edavam 1114, as fair rent a rent which is less than the rent payable for that holding for the agricultural year immediately preceding the said date." Now, my submission is this. What we are asked to consider is, whether we ought to pass a Bill which brings on the shoulders of the tenants the responsibility and the liability which they are not in a position either to shoulder or to bear. The position of the Government has been clarified by the incorporation of that section, by which the right of the tenant to get a reduction on the ground of the rent yieldable being far less than what he is now asked to bear, is denied. In the absence of the provisions to claim reduction, to give permanency of tenure and at the same time to give the *jenmi* the right of enhancement, is in my opinion an absolute injustice. I can very well appreciate the attitude of the Government which has realised that the State consists both of tenants as well as landlords and that the interests of the landlords are to be protected as well. In my opinion, the interests of the landlords are protected if they are given the right to increase the *pattam*, but at the same time, I cannot understand why the other side of the question has not been considered by the Government. The tenant is now not in a position to pay his dues, but under the new contract, he is made to pay it. In this

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connection, I would like the Government to express their views upon this, that is, as to what exactly they intend doing in the matter of the recommendations of the Select Committee. There is absolutely no meaning in wasting the time of the Select Committee and the Council, if the attitude of the Government is not clearly defined. If certain vital provisions of the Bill are to be removed by the Select Committee the Government by moving contrary amendments will not be carrying out the recommendations of the Committee and thus there will be no use of wasting the time of the Committee. This was the attitude that the Government adopted when the Agricultural Relief Bill was moved in this House. If that is so, it will be much better if the Bill is rejected at this stage and no reference is made to the Select Committee.

Another reason why I would like to have the Government view on this matter is that it was expressed by the Diwan during the last session that in the matter of permanency, at least retrospective effect will be given to transactions begun during the two previous years. This is contained on page 1196 of the L. C. Proceedings. There it is mentioned that the tenants will be given permanency of their holdings and that the operation of the Bill will have retrospective effect for the previous two years. In spite of this expressed, definite and authoritative pronouncement on the part of the Diwan, it is very surprising to find in this highly utilitarian Bill this provision: "Provided that in all suits for eviction of cultivating *verumpattam* holdings instituted after the 1st Edavam 1114, etc." conveniently forgetting what is mentioned by the Head of Administration. This, in my opinion, makes me suspect that there is a possibility that the Government might decide to proceed with the Bill making only minor modifications, as they have made in the Madras Act. If that is so, my submission to the House is that there is absolutely no meaning whatsoever in wasting public money and time by sending the Bill to a Select Committee and making amendments, modifications, etc. If we do go on with the Bill as originally framed, we are not going forward. In this connection, I would like to know the Government's intention as to how the recommendations of the Select Committee would be received by them.

Mr. V. N. Damodaran Nambiar *(Trippunittura):* In associating myself entirely with the views expressed by Mr. Bhaskara Menon, I would add one more point on which Government would make a reply. Apart from the questions of *pattam* one of the most important provisions in the Bill, which according to us appears to be a matter of principle rather than a question of minor detail, is the one embodied in section 30 which places the tenants of Devaswam lands on a par with the ordinary tenants. According to me that

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is a very important provision in this Bill which adversely affects a large class of tenants. It is very essential, as Mr. Bhaskara Menon pointed out, that the Government should make it plain even at this stage whether these two provisions, that is, the one requiring the tenants to pay a *pattam* that has already been fixed by agreement for adoption in future, till another settlement takes place, and also the provision whereby the tenants under Devaswams are placed on a par with the ordinary tenants, whether these two provisions are really considered by the Government as principles of the Bill or as only minor details which can be modified by the Select Committee. We, the non-official members really feel that such an assurance from the Government is necessary at this stage, because we have had a bitter experience during the passage of the Agricultural Relief Bill during the last session of the Council. There also a Committe was appointed to go into the question and at the time the Bill was referred to the Committee, the members thought that some of the provisions affected the principles of the Bill whereas others were only minor details. But when the work of the Committee was concluded and the report published certain matters which appeared to the Committee as principles were turned out only to be details, whereas, others that were according to the Committee mere details, were turned out to be provisions affecting the principles. Therefore, before referring this important piece of legislation to a Committee and wasting the time of the Committee over it, we would like the Government to state clearly whether these two points really affect the principles or whether they are only minor details which the Committee have power to modify. It is only on a clarification of these points that the House must agree to refer the Bill to the Select Committee. Otherwise, according to me, no useful purpose will be served by the Committee. These two really are important provisions in the Bill and the Committee should have the complete power to change any of the provisions embodied in these two sections, sections 11 and 13. I was a member of the Committee I referred to before and it was our experience that we were not given complete power to modify certain provisions on the ground that some of the provisions that we thought as minor details and over which we thought we had wide powers of interference were spoken of as affecting the real principles. We had therefore absolutely no power to touch them. That is why we now invite the Government to make it plain at this very stage whether these two points do really form the principles of the Bill or simply details which the Committee has power to change.

With regard to section 11, from the discussions we had on this Bill, it has been made perfectly clear that unless the existing *pattam*

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that has been agreed to between the *jenmi* and the tenant is considerably reduced owing to the fall in the price of agricultural produce, the fixity of tenure that is pretended to be given under the Act will prove to be false, because the *jenmi* has got the right to evict the tenant in case one year's *pattam* is not paid within three months. It was made clear that due to the enormous fall in the agricultural produce, the tenants in the State have been feeling considerable difficulty to pay the existing *pattam* that has been fixed at a time when depression had not set in. Unless the Government are not prepared to accept the modifications suggested by the Committee there is absolutely no use of wasting the time and effort of the Select Committee on this Bill. From the nature of the discussions it has been made clear that all the sections from the very first to the last have been criticised either in the interest of the *jenmi* or in the interest of the tenant. After the discussion, I am reminded of the picture that the hon'ble member Mr. Moothedan gave this House yesterday regarding the Debt Conciliation Board. It was not wanted either by the debtors or by the creditors, or by the Board itself. This Bill also is not wanted either by the *jenmis* or the tenants. Then, may I ask, in whose interests have the Government tabled it. I would request the Government to make these two points clear and also to state whether they are prepared to accept the decision of the Committee in the matter of this Bill.

Mr. K. Ayyappan *(Ezhuvas-Kanayannur):* I move for a closure.

Mr. K. Achyuta Menon *(Diwan Peishkar):* When I introduced the Bill, I never thought it will be necessary for me to reply at any great length. Because, I thought the principle was sufficiently clear. Now, after the discussion, I must crave the indulgence of the House to reply at a length which is not usual in replies. Now, the main results of the discussion can be summarised in a few words. The opinions expressed in the House fall into two classes.

There is first, the point of view that holds that this Bill would mean the extinction of the landlords. That is the landlord's point of view. This point of view holds that no legislation is necessary for the simple reason that relations between them are smooth and interference on behalf of the tenants far from doing good to them will ruin them in the long run. That is one view. The other view is that of the tenant. Although you purport to give right of occupancy, you are not granting anything at all. What is really wanted is not the right of occupancy or the fixity of the holdings, but really the reduction of rents. This view may be classed by the landlord as visionary. Their idea is that the Government should undertake

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to buy the holdings of the landlords and expropriate them and distribute them in cubes and squares among the people. That is the view of the tenants. Now the task before the Government is clear. It is to steer clear both of the visionary view and the reactionary view. The course open to practical statesmanship is to give the maximum benefit to the tenants, with the minimum of injury to the *jenmis*. That should be the principle to be followed and I think that principle expressed in that form is established in this Bill. I thought Sir, that this House, not being composed of visionaries or reactionaries, but of practical men of common sense would have accepted the Bill at once and that the Bill would have gone through without causing a ripple of excitement. I am surprised that upon this principle, we have had so much of discussion. What do the tenants want ? The highest they want is the fixity of tenure. It cannot be denied that this Bill does give that. What do the landlords expect from their lands ? It is only a fair return in the shape of rent. In return to the permanency of tenure, you should give them a fair return from their lands, that is, you should give them a fair and equitable rent. It is recognised everywhere that the grant of permanency should always be accompanied by these two things and these, the present Bill gives. This is the principle of the Bill and I venture to state that that principle is unexceptional.

Then there are the main provisions to effectuate the guiding principles of the Bill. This Bill is operative in giving fixity of tenure for the tenant for all time, provided they give fixity of rent in return. What are the two safeguards, that are necessary from the point of view of the *jenmis* ? First, there must be security for rent payable to the *jenmis*. Then there must be permanency in the payment of rent. It is imperative on the part of the tenant to pay one year's rent. I submit this does not take away with the left hand what you give with the right. You are asked only to give security, and if you have money to deposit, you are given a reasonable interest, it will then be *muppattam*, which is even now very common. Is it an extraordinary safeguard intended to destroy the tenant? Then again the right of eviction is given to the *jenmi* only as the last resort. If he wants to cultivate his land the law allows him this right. What is the position of the landlord who cannot compel his tenants to give security ? The only other right to which he can resort to is the right of eviction ; even then he loses at least two years' rent. That is a most extraordinary thing to ask for. You want permanency, but that you cannot be compelled to give a guarantee of rent by giving security. If this is the view of any tenant, that tenant does not deserve to be protected.

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What is the second thing that is given. He is given a right to enchance the *michavaram* for adequate grounds. The impression seems to be that the moment the right is attempted to be given, the right to enhance will follow. But those who have experience of the working of the Tenancy Act where similar provisions exist, know that not in one out of thousand cases has there been an enhancement. There is not a single case where enhancement has been granted. The moment you put in a petition enhancement does not follow. Given adequate grounds for enhancement, enhancement will be given. A section like section 34 in this Bill exists in the other Act also. The right given to *jenmi* by this section need not frighten anybody. My argument is that even if there was no right of reduction, there was no danger of enhancement. Then the question is, why was that provision introduced in the case of *kanam* tenants. The answer is that there may be cases in which legitimate enhancement can follow. It was put in for the excellent reason that the man that had the property is deprived of the property. You are depriving the landlords of their absolute rights. This leads me to the other question. There is a vast deal of difference between *kanam* and *verumpattam* legislation. Everybody is agreed that impermanency at present is an invariable feature of *verumpattamdars*.

Mr. V. N. Damodaran Nambiar *(Trippunittura):* Can the hon'ble member say that that provision will not affect the Devaswam tenants ?

Mr. K. Achyuta Menon *(Diwan Peishkar):* I am coming to that. What was contended in the case of the *kanam* tenant was that there shall be no eviction, because a grant to the *Jenmi* was for his life and that *kanam* was intended not to be evicted. The Parasurama theory has no place in a discussion on *Verumpattams*. We start with the position that the *verumpattamdar* has no permanency. He has only impermanency. You grant him that large right of permanency. If you look into the pieces of legislation elsewhere you will find that that grant of permanency carries with it the right to enhance on the part of the landlord for justifiable reasons. Now the question is whether a corresponding provision for reduction should not be made. The Bill lays down that the existing rent shall be taken to be the fair rent. It does not say that it is an immutable rent for all time. This is laid down regard being had to two factors. The man is presumed to look after himself. When a tenant has been paying rent for a number of years it can be presumed in the absence of anything else that it was a fair rent. The position of the *kanam* tenant is different. He has given money to the landlord.

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Mr. K. Ayyappan *(Ezhuvas-Kanayannur):* Why cannot you infer the same thing in the case of the *jenmis* also?

Mr. K. Achyuta Menon *(Diwan Peishkar):* The *jenmi* has no other right. He cannot re-take his property, but the tenant is at liberty to renounce the holding.

Mr. V. K. Krishnankutty *(Ezhuvas-Trichur):* Will the landlord give the value of the improvements?

Mr. K. Achyuta Menon *(Diwan Peishkar):* That is another question. There are two things that are guaranteed.

Mr. K. Ayyappan *(Ezhuvas-Kanayannur):* We are concerned only as to whether the existing *pattam* is reasonable or not. If you think it is reasonable in the case of the tenants why should it not be reasonable in the case of the *jenmis* also?

Mr. K. Achyuta Menon *(Diwan Peishkar):* For the simple reason that he suffers an additional disadvantage. Here is one man who gets a substantial right and another man whose right is taken away, a complete domination of his property, and in taking away that right we must decide also to be fair. If you have decided to be unfair the argument will take another course. I was only saying what was the principle underlining the omission of that provision. Do the hon'ble members ever imagine that in the case of tenancies for one year, or at will, the rent will be always the market rent? It is only when the land is leased out for a number of years that the rent will be the maximum. Generally in precarious tenures the rent will be less than the maximum rent or the rent leviable if permanency is given. I think the law is, I am speaking subject to correction, even if the section is not there under the general principles, reduction can be claimed. If you want that section to be introduced the proper time for pressing it will be in the Select Committee. But no motives should be attributed to the Government or the member who drafted it. The draft only shows that in the view of Government that it need not be given. There is a difference between the *Kanam* Act and this Act. In the case of the *Kanams* there is a special renewal fee every twelve years. Why not the same provision for renewal fee be introduced here also.

മിസ്റ്റർ ടി. കെ. നായർ: കാണവസ്തുവിന്റെയും വെറുമാട്ട വസ്തുവിന്റെയും ആദായം കൂടിയാൻ അനുഭവിക്കുന്നതിൽ വ്യത്യാസമുണ്ടെന്ന സംഗതി മനസ്സിലാക്കണം.

Mr. K. Achyuta Menon *(Diwan Peishkar):* There are large things to be considered in that matter. You are taking away a

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permanent right of the *jenmi*. The Bill is compromise between the absolute domination of the landlord and the individualism of the tenant. He has a right to receive a fair rent and he has to get security for that. The other provisions which follow entitle him to recover the rent in a speedy manner. There was a number of arguments with regard to certain minor provisions, and it was attempted to be argued that we deliberately changed some of the provisions of the Madras Act with a view to unduly favour the *jenmis*. This is uncharitable. There was the right of eviction for *bona fide* cultivation. We limited it to three years. It was considered as a sort of sly move to favour the *jenmi*. The whole argument loses its point when we remember that in the Cochin Tenancy Act the number of years given is three. Therefore there is absolutely no point in that insinuation. I am aware of the dictum that consistency is the virtue of low minds. But consistency is a great virtue in legislation and wanting to be consistent with what was given to the *Kanam* tenant we introduced in this provision.

Mr. K. Ayyappan *(Ezhuvas-Kanayannur):* Why cannot you be consistent with the expressions used in section 34?

Mr. K. Achyuta Menon *(Diwan Peishkar):* I am coming to that. I shall not omit section 34. The argument seems to be that if you are consistent in one section why not you be consistent with all the sections? If you are consistent in your house, why not be consistent with your neighbour. No importance can be attached to this argument. We have fixed it at three years. If you want to be consistent we have to do it or we will have to change it in both the cases. Otherwise it will be grossly inconsistent.

Mr. A. B. Salem *(Mattancheri):* What is the consistency with the neighbours?

Mr. K. Achyuta Menon *(Diwan Peishkar):* If you are consistent in your own house you must be consistent in this House also. I know there is a great deal of difference between rehearsal and acting. Rehearsal is for yourself and acting is for the sake of audience. We have to change our opinion sometimes when we have to face an audience. I explained that this period of three years was provided for, in the Malabar Tenancy Act. Another argument was that 1/5 was reduced to $\frac{1}{4}$. It is a superficially attractive argument. But you will find that the whole thing was based upon the method of calculation adopted. According to the Tenancy Act $\frac{3}{4}$ is given to the tenant and $\frac{1}{4}$ to the *jenmi*. That method was adopted here also. In the Malabar Tenancy Act they introduced 1/5 according to their own method of valuation of improvements. We decided to

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follow that also according to our own method. These are the main facts. Now what is section 34? You may have it. The whole of section 34 may be reproduced here.

Mr. M. K. Devassy *(Adur):* Have you no objection to introduce section 34?

Mr. K. Achyuta Menon *(Diwan Peishkar):* We want to know the considered opinion of the House. I was on the question why the 1/5 was changed into $\frac{1}{4}$. The question of retaining section 34 is another matter. In the Tenancy Act eviction was for *bona fide* residential purposes. Here it is for agricultural purposes. We proceeded on the assumption that what would be best to the *kanamdar* would be best to the *verumpattamdar*.

Then we come to the question of the tenants under Devaswams. I submit the House is under a great mistake there. The decision which was referred to by the Hon'ble Member for Mulakunnathukavu was an old decision, which was before the Devaswam Proclamation; even that decision is not an indisputable authority for the proposition he advocated. The observations contained therein are *obiter dicta*. Even before the Devaswam Proclamation, there were other express decisions to the effect that a Devaswam tenant is like an ordinary tenant. If an enhancement of rent can be granted to ordinary tenants why can it be not granted to these tenants also. This is not the only decision. There has been a series of decisions before that, wherein it was stated that in calculating value of improvements you should calculate it in a progressive manner. For instance, suppose a case arose 5 years before the 30 years expired. Then the value of improvements will be 5/30. If it arose 10 years before it will be 10/30. If it arose after the Proclamation, then nothing. If the thirty years run out the Devaswam tenant would be entitled to nothing according to the latest decision. The grant of permanency is not an illusory right. It is a substantial right intended to get over that decision. The position now is the Devaswam tenant has against him a positive declaration of impermanency, which the Government generously tried to ward off. This adverse effect of the decision has been warded off by Governmental generosity. Is that what he wants or a positive declaration by the Statute that the tenant has got permanency. One should not be frightened if the power of enhancement is given to the Devaswam because that is always subject to the control of the Government. The alternatives are a positive declaration of impermanency warded off by Governmental generosity or a direct declaration of permanency by Statute subject to the enhancement by Devaswams which power is again subject to Governmenta generosity. Anybody will be glad to accept the latter

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declaration and according to the Land Acquisition Amendment Act which is to follow this, the tenants will also get 50 per cent of the land value.

Mr. K. Ayyappan *(Ezhuvas-Kanayannur):* We want permanency without the power for enhancement.

Mr. K. Achyuta Menon *(Diwan Peishkar):* I am only saying that it is subject to Governmental action. There is no reason to apprehend that in unjustifiable cases the rents will be enhanced.

Mr. C. R. Iyyunni *(Trichur-South):* In the case of the Incorporated Devaswams the revenue can be recovered by resorting to the Revenue Recovery Act. Why should there be that power?

Mr. K. Achyuta Menon *(Diwan Peishkar):* That power is there in the case of Paliam, V. T. K. Estate, etc. Because there is that power that does not mean that the relationship between the *kanamdar* and the landlord.....

Mr. C. R. Iyyunni *(Trichur-South):* Why should that power be given?

Mr. K. Achyuta Menon *(Diwan Peishkar):* I said there is a court decision which says that there is a positive declaration that you are an ordinary tenant. Its evil effects are sought to be removed by Government generosity. Is it safe to leave matters there? The Proclamation makes a difference between *verumpattamdars* and Devaswam tenants. The Settlement Proclamation contains words expressly conferring permannecy on the State *Verumpattam* holders; words which are significantly absent in the Devaswam Proclamation and if you go further, you will see that there is a vast difference in the form of *pattah* issued. There were decisions in the courts before that, that these holdings will be permanent only for thirty years and after that they will get no land value at all. I submit therefore that the legislation as drafted is a direct declaration giving permanency and land value to the extent of 50 per cent.

മിസ്റ്റർ ടി. കെ. നായർ: ഈ ബില്ലിലെ വ്യവസ്ഥപ്രകാരം ര ഠ കൊല്ലക്കാലം വെറുമ്പാട്ട വസ്തു കൈവശം വച്ചുകൊണ്ടിരിക്കുന്ന ഒരുത്തനും കഴിഞ്ഞ കൊല്ലം ജന്മിയുടെ അടുക്കൽനിന്നു വസ്തു പാട്ടത്തിനു മേടിച്ച ഒരുത്തനും ഒരുപോലെയായിട്ടാണ് കാണുന്നതു്.

Mr. K. Achyuta Menon *(Diwan Peishkar):* I explained the legal position now. It is as declared by the Chief Court. I perfectly see the point raised by the hon'ble member. Therefore the law says that you are permanent tenants here. Will the effect of that permanency entitling him to get 50 per cent of the land value be

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lost, because there is the power of adding or enhancing the *pattam* which is even now low?

Mr. M. K. Devassy *(Adur)*: We were arguing that the existing *pattam* is fair.

മിസ്റ്റർ ടി. കെ. നായർ: എത്ര ആയിരം കൂടിയാന്മാർ ഇതുകൊണ്ടു പാപ്പരായി പോകുമെന്നുള്ളതു ദിവാൻപേഷ്കാർക്കു് അറിയാമൊ? ഇതു ഉള്ളിൽ തട്ടിയിട്ടാണു് ഞാൻ പറയുന്നതു്. ഇതിനെന്തെങ്കിലും നിവാരണമുണ്ടാക്കണം.

Mr. K. Achyuta Menon *(Diwan Peishkar)*: What is the position now with regard to Devaswam tenants? If the rent is proved to be low, the only question is whether the enhancement will be unjust. Nobody has ever heard the argument that even though you ought to pay more, you should not be compelled to pay more.

മിസ്റ്റർ ടി. കെ. നായർ: ദേവസ്വംകുടിയാനെസംബന്ധിച്ചു ഒരു നിയമം നിങ്ങൾക്കു വേറെയുണ്ടാക്കാൻ പാടില്ലെ? എന്തിനു് ഈ ബില്ലിൽ സെ൦ -ാം വകുപ്പായി ചേർത്തിരിക്കുന്നു. ഇന്നത്തെ ഈ നിയമപ്രകാരം ഒരു ജന്മിക്കു എന്തുപാട്ടം നിശ്ചയിക്കാമൊ അതിലും കുറഞ്ഞ പാട്ടത്തിനാണു ഇന്നു നടന്നുവരുന്നതു്. ഇതു ജന്മിയുടെ കൊള്ളരുതായ്മയാണെന്നാണൊ പറയുന്നതു്? ഇതിലെന്തെങ്കിലും വ്യത്യാസം വരുത്തണം.

Mr. K. Achyuta Menon *(Diwan Peishkar)*: The question is here is a settlement for thirty years. Under the existing law you have no right of permanency. The Devaswam has now the right to turn you out and enhance the *pattam*. You are at a double disadvantage, of eviction and the right of enhancement. The law steps in and says that the Devaswam tenant should not be evicted accompanied by the further advantage that you get a share in the land in the shape of land value when it is acquired by the Government. The law retains with the Devaswam the right in proper cases to enhance the rent subject to Governmental control. The question is whether you want that right also to be taken away. That is another matter. You get a very substantial right of permanency. The existing right of the Devaswams to turn you out is curtailed and you are given permanency and you cannot be turned out. The Devaswam has the right to enhance the *pattam* in deserving cases subject to Governmental control.

Mr. V. N. Damodaran Nambiar *(Trippunittura)*: Why should there be an express provision for that?

Mr. K. Achyuta Menon *(Diwan Peishkar)*: I thought the object of section 30 is to give permanency. That section only applies to cultivating *verumpattamdars*. The first part of the Bill applies only to cultivating *verumpattamdars*. In the case of the

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Devaswams the *pattah* holder and the cultivator are both given permanency.

Mr. V. N. Damodaran Nambiar *(Trippunittura):* The Bill is intended only for giving permanency of title to cultivating *verumpattamdars.*

Mr. K. Achyuta Menon *(Diwan Peishkar):* Another thing which you forget is that the preamble cannot control the operative provisions in the Statute.

Mr. V. N. Damodaran Nambiar *(Trippunittura):* The preamble expresses the intention of the legislature. If it is the intention to give permanency of title to cultivating *verumpattamdars* the questions of giving permanency of title to Devaswam *Verumpattamdars* ought not to come under this Act.

Mr. K. Achyuta Menon *(Diwan Peishkar):* The preamble can be referred to, if I remember my law correctly, only when the intention of the Act cannot be understood from the operative provisions in the Statute. Under the Statute you get two advantages. Your argument is that because the preamble speaks of only one concession, don't give two concessions.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: പ്രിയാമ്പിളും പോസ്റ്റാമ്പിളുമെല്ലാം അങ്ങിനെ ഇരുന്നുകൊള്ളട്ടെ. പർമനൻസി കൊടുക്കുന്നുവെന്ന വിചാരിച്ചുകൊണ്ട് വേറെ ഗുണങ്ങൾ ചെയ്യുവാൻ പാടില്ലെന്ന വല്ല നിർബന്ധവുമുണ്ടോ?

Mr. K. Achyuta Menon *(Diwan Peishkar):* I don't say that. I understand the argument perfectly well, that you must give permanency and take away the right of enhancement. My argument is that you had no right before. You are given now a large right. The other right was retained. The Devaswam tenant was regarded as an ordinary tenant. The essential difference between that tenant and this is that this right of enhancement in the case of Devaswams can be exercised only under Governmental control. The Bill so far as it goes is correct in that matter. Without permanency the cultivating verumpattamdar will be a loser.

Then the Hon'ble Member for Mulakunnathukavu pressed another argument why not give it to *kanams* created after 1090. The law is that *kanamdars* whatever may be the period has got permanent tenure. He asks why not *kanams* created after 1090 also be given permanency. The argument is legitimate. But the place in which it is sought to be introduced is illegitimate. We cannot say in a Bill that the cultivating *verumpattamdar* includes cultivating *kanamdar* also and that *verumpattam* means *kanam* also. The preamble gives permanency to cultivating *verumpattamdars.* But

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the preamble would still be meaningless if the cultivating *verumpattamdars* are made and include cultivating *kanamdars*. Nobody says it should not be given. Anybody who knows drafting knows that you cannot send in cultivating *kanamdars* under the term cultivating *verumpattamdars*. You cannot hope by any amount of straining to make *verumpattam* include *kanam*.

Mr. A. B. Salem *(Mattancheri):* Suppose some foolish *jenmis* have given on very low rent with fixity of tenure. What is the provision to safeguard the interests of the successors of these *jenmis*.

Mr. K. Achyuta Menon *(Diwan Peishkar):* They can enhance the rent.

Mr. A. B. Salem *(Mattancheri):* Will the descendants get a fair and equitable rent from tenants who are given permanency by the foolish *jenmis*. There are hard cases like that.

Mr. K. Achyuta Menon *(Diwan Peishkar):* They can in proper cases. Under them there are *pandaravaka Verumpattamdars*. The Bill applies to *verumpattamdars* under *jenmis* and cultivating *verumpattamdars* under *pandaravaka verumpattamdars* who have brought the land under cultivation and who are the holders under Government. The first *verumpattam* holder under Government is the man who in many cases brought the land under cultivation. Suppose he has entrusted it to other tenants. That cultivating *verumpattamdar* also gets permanency. It affects all *jenmis* by virtue of acquisition or purchase. All those tenants are given the right of permanency. It goes to a very large extent. Then with regard to the *marumakkathayam* family. The Malabar Act was passed in 1929. In those times the Nayar wife and children had no rights in the husbands' or fathers' property. Much water has flown under the bridge since then and now the wife and children undoubtedly have share in the property.

Mr. M. K. Devassy *(Adur):* Has the son of a Nayar a right to his property.

Mr. K. Achyuta Menon *(Diwan Peishkar):* He has an existing right. In 1929 he had no existing right.

Mr. M. K. Devassy *(Adur):* Has the son a right for a share in the father's *tarwad*.

Mr. K. Achyuta Menon *(Diwan Peishkar):* That is another matter. That won't be affected by this Bill. There he speaks in his representative capacity. If a landlord wants to take it

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for the purpose of his *tarwad,* the case might be different. Supposing he has leased it in his own capacity and if he can retake it of his own record this section applies. If the landlord has the right to recover by himself, he should be able to recover for his wife and in the children.

Mr. M. K. Devassy *(Adur):* Can the wife and children of a *tarwad karanavan* in the *marumakkathayam tarwad* have a right in the property.

Mr. K. Achyuta Menon *(Diwan Peishkar):* That section pre-supposes that a landlord owner can by himself re-take the property. If a group of landlords can alone be regarded as landlords the position would be or might be different.

Mr. A. B. Salem *(Mattancheri):* There may be very poor *jenmis* with absolutely nothing and they may have tenants worth lakhs and lakhs who are holding these lands and paying these *jenmis* not even a fair rent for the land.

Mr. K. Achyuta Menon *(Diwan Peishkar):* I have only to add that all these points will come for discussion in the Select Committee. After all is said and done nothing is more apparent than our essential agreements which appear more prominent than our disagreements. With confidence I move that the Bill be read in the Council.

Motion put and carried

Secretary to the Council: The title of the Bill is the Cochin Cultivating *Verumpattamdars'* Bill.

Mr. K. Achyutha Menon *(Diwan Peishkar):* I move that the Bill be referred to a Select Committee consisting of the following members.—

(1) The Diwan Peishkar
(2) The Advocate-General
(3) Mr. V. K. Kutty
(4) Mr. K. Ashtamoorthi Nambudiripad
(5) Mr. C. V. Iyyu
(6) Mr. P. Govinda Menon
(7) Mr. T. K. Nayar

The time limit may be fixed till 30th January. The Committee need not be authorised to take evidence, because the whole object of the Bill will be lost, if you cannot get it passed in the Meenam session. I do not think that we need take evidence, since we have had so much discussion.

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Mr. M. K. Devassy *(Adur):* I move that the Committee be authorised to take evidence.

Mr. C. V. Iyyu *(Kunnamkulam):* I had suggested that an Economics Professor from a college may be nominated as a special member.

Mr. M. K. Devassy *(Adur):* There may be one sitting at least in each Taluk.

Mr. K. Achyuta Menon *(Diwan Peishkar):* We can sit in a central place.

Motion that the bill be referred to the Select Committee put and carried

Deputy President: The Advocate-General will be the Chairman and the report should be submitted before the 30th of January, 1940.

The Cochin Land Acquisition Act Amendment Bill

Mr. K. Achyuta Menon *(Diwan Peishkar):* I move that the Cochin Land Acquisition Act Amendment Bill be read in Council.

Mr. K. P. Kannan Nayar *(Secretary to Government):* I second it.

Mr. K. Achyuta Menon *(Diwan Peishkar):* I do not think very much argument is necessary. It is almost a corollary to the Bill which has already been referred to a Select Committee. The amendment proposed is to give a definite percentage of land value to the tenants and it is much more than what is given now.

Motion put and carried

Secretary to the Council: The title of the Bill is the Cochin Land Acquisition Act Amendment Bill.

Mr. K. Achyuta Menon *(Diwan Peishkar):* I move that the Bill be referred to a Select Committee consisting of the Diwan Peishkar, the Advocate-General, Mr. V. K. Kutty, Mr. K. Ashtamoorthi Nambudiripad, Mr. C. V. Iyyu, Mr. P. Govinda Menon and Mr. T. K. Nayar.

Motion put and carried

Deputy President: The Advocate-General will be the Chairman. The Committee will report before 30th January 1940.

The Cochin Municipal Act Amendment Bill*

Dr. A. R. Menon *(Minister for Rural Development):* I move that the Cochin Municipal Act Amendment Bill be read in Council.

* Apperdix II.

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